

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

Case No. 1:23-MJ- 66 (DJS)

BRAM FOX, a/k/a BRAN FOX, )

Defendant. )

U.S. DISTRICT COURT – N.D. OF N.Y.

FILED

Jan 31 - 2023

John M. Domurad, Clerk

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

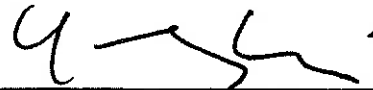
On or about the date of January 31, 2023, in the county of Ulster in the Northern District of New York, the defendant violated:

*Code Section*  
 18 U.S.C. § 922(g)(1)  
 26 U.S.C. § 5861(d)

*Offense Description*  
 Possession of ammunition by a felon  
 Possession of a firearm not registered in the National Firearms  
 Registration and Transfer Record

This criminal complaint is based on these facts:  
 Please see attached affidavit.

☒ Continued on the attached sheet.



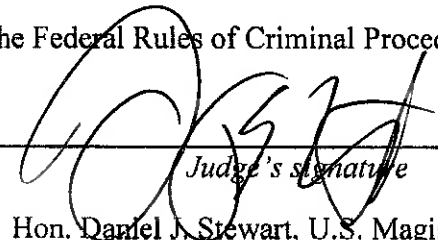
Complainant's signature

ATF Special Agent Young Choi

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: January 31, 2023



Judge's signature

City and State: Albany, New York

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

**Affidavit in Support of a Criminal Complaint**

I, **Young Choi**, a Special Agent of the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the ATF, and have been so employed since September 2012. My duties at ATF include the investigation of federal firearm violations and related crimes.

2. I submit this affidavit in support of a criminal complaint with accompanying arrest warrant charging BRAM FOX, a/k/a BRAN FOX ("Fox"), with a violation of 18 U.S.C. § 922(g)(1), possession of ammunition by a felon, and a violation of 26 U.S.C. § 5861(d), possession of a firearm not registered to him in the National Firearms Registration and Transfer Record, occurring on January 31, 2023, in Ulster County, New York.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details and all facts known to me regarding this investigation. Where statements of others are related in this affidavit, they are related in substance and in part.

**Basis for a Probable Cause Finding**

4. Fox, age 43, has a felony conviction for criminal possession of stolen property, from Saratoga County Court, New York, for which he was sentenced to 18 months to 3 years in prison, on December 6, 2002, and a felony conviction for possession of a forged instrument, from Dutchess County Court, New York, for which he was sentenced to 6 months in jail and 5 years of probation, on July 26, 2000; upon a violation of probation, he was then re-sentenced, on December

10, 2002, to 16 months to 3 years in prison. Fox has additional felony convictions from the State of Connecticut, including for armed robbery of a bank.

5. ATF discovered that Fox – mostly under his own name, sometimes appearing to use the alias “Bran Fox” – has, since 2020, been purchasing firearms parts and related items from online retailers, and having these items shipped interstate to his residence in the Town of Rochester, Ulster County. A preliminary ATF analysis of all known purchases made by Fox, as confirmed by the retailers themselves, indicates that Fox has purchased a total of at least 404 separate firearms parts and related items, with a total purchase value of approximately \$60,960.45.<sup>1</sup>

6. From my training and experience, I know that the parts purchased by Fox can be used to manufacture Privately Made Firearms (PMFs), often colloquially termed “ghost guns.” Generally, a “ghost gun” is a firearm, including a frame or receiver, that is manufactured at home and does not bear a serial number. Makers of such firearms can easily purchase many of the component parts online and without having to complete a Firearms Transaction Record (ATF Form 4473). These parts can then be used to manufacture an operable firearm. When completed, these firearms are commonly referred to as “ghost guns” due to the fact that there are no serial numbers on the pistol frames, which makes it difficult to trace and jeopardizes public safety. Moreover, prohibited persons (such as Fox) are able to circumvent the legal processes for obtaining firearms by manufacturing them on their own or by purchasing them through private transactions.

7. On January 30, 2023, upon my application, this Court signed a warrant authorizing the search of Fox’s residence. ATF and New York State Police executed the warrant today, January 31. At the time of the search, no one was home.

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<sup>1</sup> To date, I have seen no evidence that Fox has purchased ammunition from an online retailer.

8. Fox's home is a small, single-story residence with only a few rooms. Fox resides there with his girlfriend. In a locked room within the residence, ATF Special Agents located handguns, rifles, ammunition, and firearms parts, among other items.<sup>2</sup> Of relevance to the charges, agents located:

- a. Rounds of 9mm ammunition. ATF Special Agent Jason Sherman, who has received training and is certified in regard to interstate nexus determinations of firearms and ammunition, examined the ammunition and provided a verbal opinion that it was manufactured outside the State of New York; accordingly, it has previously moved in interstate commerce.
- b. A short-barreled rifle, with an overall length of less than 26 inches and a barrel of less than 16 inches in length. This particular rifle is approximately 19.5 inches in overall length, with a 3.5-inch barrel. The rifle contains a Strike Industries Sig Modular Chassis SMC Alpha; from my investigation, I know Fox purchased such a chassis on or about December 28, 2022, and had it shipped to his residence. Under federal law, such a rifle must be registered to Fox in the National Firearms Registration and Transfer Record (NFRTR). ATF searched the NFRTR today, January 31, and found no registrations under Fox's name; additionally, from my training and experience, I know that Fox, as a felon, would not be able to register firearms in the NFRTR.

9. Based on the foregoing, there is a probable cause to charge BRAM FOX, a/k/a BRAN FOX, with a violation of 18 U.S.C. § 922(g)(1), possession of ammunition by a felon, and

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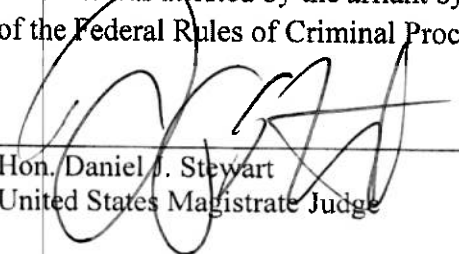
<sup>2</sup> This is not meant to be a complete list of all contraband found at Fox's residence. The search is ongoing and ATF will need to inventory the evidence.

a violation of 26 U.S.C. § 5861(d), possession of a firearm not registered to him in the National Firearms Registration and Transfer Record, occurring on January 31, 2023, in Ulster County, New York.

Attested to by the affiant:

  
\_\_\_\_\_  
Young Choi  
ATF Special Agent

I, the Honorable Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on January 31, 2023 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

  
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Hon. Daniel J. Stewart  
United States Magistrate Judge